

Message Text

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TO AMEMBASSY SAIGON

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TAGS: PINT, PGOV, VS

SUBJECT: JACK ANDERSON COLUMN ON RVN PRISON PRACTICES

1. FOLLOWING IS TEXT OF JACK ANDERSON COLUMN APPEARING IN WASHINGTON POST AUGUST 29 ALLEGING IMPRISONMENT OF VIETNAMESE CITIZENS WITHOUT TRIAL AND CONTINUING DETENTION AFTER SENTENCES SERVED.

BEGIN TEXT

PARA RUMORS OF INJUSTICE AND CORRUPTION IN SAIGON HAVE ALWAYS BEEN RIFE, BUT ONLY RARELY DO SECRET DOCUMENTS FROM SOUTH VIET-NAM'S OWN LEADERS CONFIRM THE EXISTENCE OF SUCH SORDID CONDITIONS. PARA THE DOCUMENTS, DIRECTLY FROM THE FILES OF PREMIER TRAN THIEN KHIEM, SHOW THAT PRISONERS WERE HELD WITHOUT TRIAL FOR UP TO FIVE YEARS AND OTHERS WERE ACQUITTED BUT REMAINED LOCKED UP. PARA IN CLASSIFIED MEMOS BEGGING HIS MINISTERS OF JUSTICE AND INTERIOR AND THE NATIONAL POLICE CHIEF TO DISCIPLINE THEIR UNDERLINGS, THE PREMIER, A REPUTEDLY DECENT MAN, ADMITS SUCH HORRORS EXIST. PARA "PERSONS HAVE BEEN INDICTED AND HELD FOR EXCEEDINGLY LONG PERIODS OF TIME WITHOUT BEING BROUGHT TO TRIAL," KHIEM SAID. THERE UNCLASSIFIED

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ARE "191 PRISONS...IN CHAU DOC RE-EDUCATION CENTER; MANY

HAVE BEEN HELD FOR TWO TO FIVE YEARS WITHOUT TRIAL." PARA

SOME SUSPECTS, INCLUDING A "PEASANT WOMAN FROM BA XUYEN" WERE HELD WITHOUT TRIAL, THEN TRANSFERRED TO ANOTHER CAMP WHERE "THEY WERE VIRTUALLY FORGOTTEN." EVENTUALLY, THEY WERE FOUND NOT GUILTY. PARA BUT EVEN THOSE PROVEN GUILTY MAY LANGUISH IN PRISON, KHIEM COMPLAINED. "AFTER BEING ACQUITTED OR GIVEN SUSPENDED SENTENCES (VICTIMS) WERE NONETHELESS HELD IN PRISON (IN) AN XUYEN AND CHAU DOC PROVINCES." SOME OF THESE ABUSES, WROTE KHIEM, CAN BE ELIMINATED IF "DISHONEST OFFICIALS" ARE FIRED. PARA IN A THREE-POINT PROGRAM, THE PREMIER URGES HIS INTERIOR, JUSTICE AND NATIONAL POLICE AIDES TO ACCORD SUSPECTS THEIR RIGHTS AND COME DOWN ON RECALCITRANT POLICE WHO "DECREASE THE HONOR OF THE NATIONAL POLICE FORCES AND PRESTIGE OF THE GOVERNMENT." PARA FOOTNOTE: IN FAIRNESS, IT SHOULD BE SAID THAT THE POLICE AND PRISON SYSTEM IN NORTH VIET-NAM ARE WORSE. IN OUR VISITS TO VIET-NAM AND TALKS WITH CAPTURED COMMUNISTS, WE HAVE FOUND LITTLE EVIDENCE THAT HANOI BELIEVES IN THE HUMANE TREATMENT OF PRISONERS. AND THE TORTURE STORIES OF U.S. POWS, FOR EXAMPLE, BROUGHT NO CALL FOR PRISON REFORM FROM NORTH VIETNAMESE LEADERS. END TEXT

2. FOLLOWING IS GUIDANCE PREPARED FOR DEPARTMENT SPOKESMAN'S NOON BRIEFING AUGUST 29:

BEGIN TEXT

(1) WE DO NOT KNOW IF THE DOCUMENTS ARE AUTHENTIC AND THEREFORE WE CANNOT SAY WHETHER THE ALLEGED ABUSES DESCRIBED ACTUALLY EXIST.

(2) WE DO KNOW, FROM OUR MISSION'S REPORTING, THAT OFFICIALS OF THE GOVERNMENT OF VIET-NAM HAVE BEEN CONCERNED ABOUT MAINTAINING THE INTEGRITY OF THE VIETNAMESE JUSTICE AND PENAL SYSTEM. THEY CONTINUE TO BE CONCERNED THAT LEGAL NORMS ARE FOLLOWED IN THE ARREST AND TRIAL OF SUSPECTED OFFENDERS AS WELL AS UNCLASSIFIED

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DURING THE IMPRISONMENT OF PERSONS WHO HAVE BEEN DETAINED FOR INVESTIGATION OR AFTER CONVICTION. THIS PURPORTED DOCUMENT WOULD APPEAR TO BEAR OUT OUR UNDERSTANDING OF THIS HIGH-LEVEL CONCERN.

(3) WE ALSO KNOW THAT THOSE OFFICIALS HAVE BEEN SERIOUSLY CONCERNED ABOUT CORRECTING ABUSES THAT CREEP INTO THE SYSTEM JUST AS THEY CREEP INTO ANY PENAL

SYSTEM.

(4) (YOU MAY WISH TO ADD): THE VIETNAMESE SYSTEM OF JUSTICE IS BASED ON THE NAPOLEONIC CODE AND EUROPEAN PRACTICES WHICH -- UNLIKE THE ANGLO-SAXON SYSTEM -- ROUTINELY PERMIT THE IMPRISONMENT OF SUSPECTS DURING INVESTIGATION AND WHILE AWAITING TRIAL. END TEXT.

3. SPOKESMAN DID NOT REPEAT NOT RECEIVE QUESTIONS ON THE COLUMN.

4. DEPARTMENT WILL USE GUIDANCE IN PARA 2 ABOVE IN RESPONDING TO CONGRESSIONALS AND OTHER PUBLIC CORRESPONDENCE EXPECTED AS RESULT OF ANDERSON COLUMN.

5. FOREGOING FYI, BUT DEPARTMENT WOULD WELCOME POST COMMENT. KISSINGER

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